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02-09-05

PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 8404.011
First Named Inventor: Donald E. Weder	Art Unit: 3644	
Application Number: 10/687,979	Examiner: F. Palo	
Filed: 10/17/2003		
Title: METHOD FOR PROVIDING A DECORATIVE COVER FOR A FLORAL GROUPING		
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>		
<p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. 		
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>500.00</u> (37 CFR 1.17(l)).</p>		
<p>2. Reply and/or fee</p> <p>A The reply and/or fee to the above-noted Office action in the form of <u>Response to Office Action & Filing Of A Continuation</u> (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p>		
<p>B The issue fee of \$ _____ 02/10/2005 HDEMESS1 00000077 10687979</p> <p><input type="checkbox"/> has been filed previously on _____ 01 FC:1452 500.00 OP</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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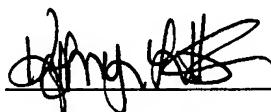
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) claiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

2-8-05

Date

Kathryn L. Hester, Ph.D.

46,768

Typed or printed name

Registration Number, if applicable

P. O. Box 16370

(405) 607-8600

Address

Telephone Number

Oklahoma City, Oklahoma 73113

Address

Enclosure Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

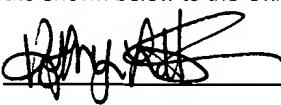
deposited with the United States Postal Service on the date shown below with sufficient postage as first*** class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. *** EXPRESS MAIL DATED 02/07/2005; EV 373445635 US***

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

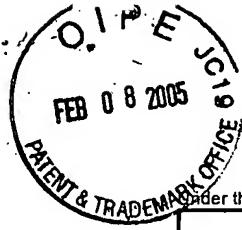
2-8-05

Date

Signature


Kathryn L. Hester, Ph.D.

Typed or printed name of person signing certificate



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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature

2-8-05

Date

Kathryn L. Hester, Ph.D.

Typed or printed name

46,768

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A copy of the Office Action mailed June 15, 2004 was never received by Applicant's representative. Attached hereto as evidence of non-receipt of the Office Action is a docket sheet for the subject application printed from the docketing software PATTSY® (OP Solutions, Inc.). The docket sheet demonstrates that as of December 17, 2004, Applicant's representative was not aware of the Office Action. This was over six months after the Office Action was mailed, and therefore the application was unavoidably abandoned before Applicant's representative became aware of the Office Action. The Examiner called Applicant's representative on December 17, 2004 to determine if the application was intentionally abandoned, and therefore Applicant first became aware of the Office Action on December 17, 2004, after the unavoidable abandonment of the application.

(Please attach additional sheets if additional space is needed.)